

REMARKS

This application has been carefully reviewed in light of the Advisory Action mailed December 8, 2003 and the Office Action mailed September 18, 2003. At the time of the Office Action, Claims 1-20 were pending in the Application. In the Office Action, the Examiner rejected Claims 1-20.

Section 103 Rejections

The Office Action rejects Claims 1-3, 5-12, and 14-20 as being unpatentable over U.S. Patent No. 6,539,237 to Sayers et al. ("*Sayers*") in view of U.S. Patent No. 6,473,411 to Kumaki et al. ("*Kumaki*"), further in view of U.S. Patent No. 6,292,829 to Huang et al. ("*Huang*"). Claims 4 and 13 are rejected as being unpatentable over *Sayers* in view of *Kumaki*, further in view of *Huang*, and further in view of Newton's Telecom Dictionary, 13th Edition ("*Newton*"). Applicants traverse these rejections and all assertions therein for the reasons discussed below.

Applicants respectfully submit that the proposed combination of *Sayers*, *Kumaki*, and *Huang* do not disclose the system described in claim 1. More specifically, Applicants submit that the proposed combination does not disclose "second wireless network having an operations and maintenance center (OMC) coupled thereto and operable to execute an application to manage the first wireless network using a first management protocol, the OMC further operable to manage the second wireless network using a second management protocol." The proposed combination does not disclose or suggest using one single OMC to monitor two different networks (here, one network is monitored remotely) using two different management protocols. *Sayers* discloses the OMC monitoring the BSS and the NSS using a single management protocol, i.e., SNMP. *Sayers*, however, does not disclose remotely monitoring the private network 14, and furthermore, *Sayers* does not disclose remotely monitoring the private network 14 (e.g., the first wireless network) using a different management protocol (i.e., non-SNMP) using the OMC located on the public network 15 (e.g., the second wireless network). *Kumaki* discloses using two different management protocols (i.e., NMP/UDP/IP and CMIP), however, two different local OMCs are used rather than one single OMC that does remote monitoring of another network (i.e., as shown in Fig. 9 of *Kumaki*, the IP Network Management System is coupled to the IP Network and the Mobile

Communication Network Management System is coupled to the Mobile Communication Network).

In addition, the Examiner has not established a prima facie case of obviousness since the Examiner has not provided proper motivations to combine *Sayers* and *Kumaki*, and also *Huang* with *Sayers* and *Kumaki*. There is no motivation provided in either *Sayers* nor *Kumaki* to modify the single OMC disclosed in *Sayers* so that it monitors the BSS and the NSS, and also remotely monitors the private network 14 using a non-SNMP protocol. On page 3 of the Office Action, the Examiner states that "it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the use of CMIP as taught by *Kumaki* et al. into the invention of *Sayers* et al. to achieve the advantage of managing the first wireless network using a standard network management protocol." However, the OMC of *Sayers* cannot handle two different management protocols; more specifically, since the OMC uses a SNMP based Management Information Base ("MIB"), it cannot process CMIP information. See, *Sayers* at column 15, lines 50-51. Thus, in *Sayers*, a non-SNMP protocol, such as CMIP, cannot be used to manage the first wireless network. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See MPEP 2143.01. If the OMC of *Sayers* is to be modified such that it also remotely monitors the first wireless network, then SNMP has to be used.

Also, it improper to combine *Huang* with *Sayers* and *Kumaki*. *Sayers* discloses a single OMC that uses the single management protocol SNMP. Since only SNMP is being used, there is no need and no advantage gained by employing the network management device disclosed in *Huang* that allows two different protocols to be used. *Kumaki* discloses two different OMCs and each OMC uses a different management protocol (i.e., as shown in Fig. 9 of *Kumaki*, the IP Network Management System (i.e., the first OMC) uses the NMP/UDP/IP protocol and the Mobile Communication Network Management System (i.e., the second OMC) uses the CMIP protocol). Since a single OMC does not support two different management protocols, there is no need and no advantage gained by employing the network management device disclosed in *Huang*. Thus, there is no motivation to combine *Huang* with *Sayers* and *Kumaki*. The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d (Fed. Cir. 1990). It is impermissible to use the

claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *See In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the foregoing reasons, the Examiner has not provided proper motivations to combine *Sayers*, *Kumaki*, and *Huang*, and thus the Examiner has not established a prima facie case of obviousness.

Independent Claims 10 and 16 are allowable for analogous reasons. Additionally, dependent claims 2-9, 11-15, and 17-20, which depend from Claims 1, 10, and 16, respectively, are allowable.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 19-2179 of Siemens Corporation.

Date: Feb. 8, 2004

Respectfully requested,

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

By: Thomas George
Thomas George
Registration No. 45,740
Attorney for Applicants
Tel: 650-694-5191
Fax: 650-968-4517